IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE M.H.S. ANSARI

WRIT PETITION NO : 21865 of 1994

Between:

K.Gopinath S/o.Unni Krishan
Continuing and Distance Education, Jawaharlal Nehru Technoligical University
Mahaveer Marg, Hyderabad.

..... PETITIONER

AND

1. The J.N.T.U.,A.P., rep.by its Registrar
Mahaveer Marg, Hyderabad.
2. Sri K.Ramireddy I.A.S.(Retd), Member, Board of Management J.N.T.U.,
Mahaveermarg Hyderabad.
3. Dr. Vijaykumar, Director, Acadamic and Planning
J.N.T.U Mahaveer Marg
Hyderabad.

(W.P. against R3 is dismissed for default vide court order dated: 15.12.1999)

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondent No.1 in appointing the Respondents 2 and 3 as a committee to enquire and to make recommendations about the action to be initiated against the petitioner and the consequential action of the respondents in issuing charge-sheet to the petitioner and to proceed with the enquiry in excess of the powers conferred upon them by the Respondent No.1 in seeking to transfer the petitioner from Hyderabad to Kakinada by way of punishment in the guise of the circumstances submitted in the affidavit as illegal, void, arbitrary, discriminatory and without power or jurisdiction and consequentially to direct the respondents to refrain from taking any further steps pursuant to the appointment of the Respondents 2 and

3 committee.

Counsel for the Petitioner: Mr. M.R.K.CHOWDARY

Counsel for the Respondents: Mr.C.Kondandaram

The Court made the following :

ORAL ORDER:

The petitioner has questioned the action of the respondent University in appointing a Committee to enquire and to make recommendations about the action to be initiated against the petitioner and the consequent action of the said Committee members issuing a charge sheet to the petitioner.

From the order of the Registrar, dated 15-11-1994 (page 18 of the material papers), it would appear that the petitioner made a representation to the Chancellor making allegations against the University, and the Vice-Chancellor constituted an enquiry committee consisting of respondents 2 and 3. The direction to the said committee was the following:

"The Committee shall look into the allegations made by him and recommend suitable action to be taken by the University.

The Committee shall submit its recommendations at the earliest."

It appears that the Committee by its Proceedings dated 26-11-1994 framed certain charges. It is the contention of the petitioner as urged by the learned counsel for the petitioner that the said committee has no power or jurisdiction to frame charges. It was merely required to look into the allegations and make recommendations as to suitable action to be taken by the University.

I find substantial force in the said contention of the learned counsel for the petitioner. Furthermore, I find from the counter affidavit of the University that subsequent to the filing of the instant writ petition, the respondent University constituted a fact-finding committee with two members who have submitted their

report.

In the circumstances, I am of the view that the appointment of respondents 2 and 3 as enquiry committee and the consequential action taken by them in issuing the charge sheet warrants to be quashed and set aside. It is accordingly set aside.

This order, however, shall not preclude the respondent University from initiating such action or proceedings as may be open to them at law.

The writ petition stands allowed accordingly.

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(M.H.S.ANSARI, J.)

30th December 2004.

ARS

To

1. The Registrar, J.N.T.U., A.P.,
Mahaveer Marg, Hyderabad.
2.Two CD copies.